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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,533

09/23/2003

James T. Doubet

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01/09/2009

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EXAMINER

IWARERE, OLUSEYE

ART UNIT

PAPER NUMBER

3687

NOTIFICATION DATE

DELIVERY MODE

01/09/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,533	<b>Applicant(s)</b> DOUBET, JAMES T.	
	<b>Examiner</b> OLUSEYE IWARERE	<b>Art Unit</b> 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This communication is in response to the correspondence received on October 3, 2008. Amendments to claims 1, 3, 4, 10, 12, and 14 – 20 have been entered, and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Curkendall et al. (2003/0177025).**

**As per claim 1**, Curkendall discloses a method of tracking animal transfers with animal passports, the method comprising ([0003]; via a system, computer program product and method for tracking processing events for a meat animal from its conception to its consumption, by using data entry devices):

creating an animal passport to represent a transfer of animals from a transferor to a transferee ([0003]; via using data entry devices that minimize keyboard entry and

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multiple interconnected databases such that a particular animal history can provide both quality assurance source verification and performance tracking);

assigning a unique passport identifier to the created animal passport, thereby providing a unique identification of the transfer ([0020]; via it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code); and

repeating the creating and assigning for each of at least one subsequent transfer of one or more of the animals ([0022]; via there is a need to provide a means for individual animal identification throughout the production cycle and to minimize the difficulty of data entry throughout the industry), wherein the animal passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent previous transfer of those animals ([0029] discusses complete source verification and performance databases for all key livestock events.).

**As per claim 2**, Curkendall discloses, wherein each of the animal passports is signed by a transferor and transferee who are parties to each transfer, thereby certifying the transfer represented by the signed animal passport ([0237] discusses data used to represent a discrete transaction against an animal. The data can be time-stamped which is construed as signing).

**As per claim 3**, Curkendall further discloses, comprising recording the animal passports in a repository ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system), that is maintained by a third party that is distinct from each transferor and each transferee who are parties to any of the transfers ([abstract] and [0214] discusses an alliance or national database which is a third party).

**As per claim 4**, Curkendall further discloses, comprising using the animal passport identifiers to track locations of the animals ([0130]; via each event can have one or more default details associated with it. For instance, the event "LOCATION" might have three different details such as PEN-1, PEN-2, and NORTH 4000, that can be used to record changes in animals' locations).

**As per claim 5**, Curkendall discloses, wherein the animal passports reflect a complete lifetime of the animals and are therefore usable to track transfers of the animals throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

**As per claim 6**, Curkendall discloses, wherein the animal passports reflect a complete lifetime of the animals and are therefore usable to track locations of the animals throughout their lifetime ([0144]; via The bottom half of the screen shows all events recorded during the animal's lifetime).

**As per claim 7**, Curkendall discloses, wherein the transfers are transfers of ownership ([0395]; via A live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 8**, Curkendall discloses, wherein the transfers are transfers of possession ([0177]; via in some cases, the stocker or cow-calf operator may retain ownership of the calves at the feedlot, so that there is not a sale at that point).

**As per claim 9**, Curkendall discloses, wherein at least one of the transfers is a transfer of ownership and at least one of the transfers is a transfer of possession ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per Claim 10**, Curkendall discloses, wherein the repeating and assigning are also repeated for subsequent transfers of animal products derived from the animals ([0336]; via regimens allow the user to save a set of events that may be are used repeatedly for a particular group type).

**As per Claim 11**, Curkendall discloses, wherein the animal passports further specify individual animal identifications of the transferred animals ([0011] discusses tracking individual animals).

**As per claim 12**, Curkendall discloses, wherein additional animals may be included in one or more of the subsequent transfers, and wherein the animal passport created for such subsequent transfers also record the unique passport identifier assigned to each most-recent previous transfer of those additional animals ([0029] discusses complete source verification and performance databases for all key livestock events).

**As per claim 13**, Curkendall discloses, wherein animal passports are created for each transfer during a time of the animals and further comprising:

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recording each of the animal passports in a repository maintained by a third party, wherein each of the animal passports further comprises a specification of how many animals are represented by each transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one or more transferees who are parties to each transfer, wherein the third party is distinct from the transferors and the transferees ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments and [0214] discusses an alliance or national database which is a distinct third party); and

determining a country of origin for one or more selected ones of the animals using a most-recent unique passport identifier associated therewith to determine all locations in which the selected ones have been located throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).



**As per claim 14**, Curkendall discloses, each of the animal passports further comprises a specification of how many animals were transferred in the transfer represented by that animal passport, a location of the animals during a timeframe covered by the animal passport and an identification of one or more transferors and one or more transferees who are parties to that transfer ([0131] discusses core events in the data collection supply chain including identification, location, transfer and origin); and

further comprising:

determining, for a selected one of the animals, all locations in which the selected animal has been located throughout its lifetime, using each animal passport associated with the selected animal ([0131] discusses determining animal locations and [0144] discusses recorded events in the animal's lifetime); and

preparing a country of origin claim for the selected animal, using the determined locations, wherein the country of origin claim indicates whether the selected animal has been located only in a selected country throughout the lifetime of the animal ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

**As per claim 15**, Curkendall discloses, wherein animal passports are created for each transfer during a lifetime of the animals and further comprising ([0012]; via

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recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments);

recording each of the animal passports in a repository, wherein each of the animal passports further comprises a specification of how many animals are represented by each transfer, a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one or more transferees who are parties to each transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

constructing a chain of transfers for a selected one of the animals using each of the most-recent previous unique passport identifiers recorded on the animal passports associated with the selected animal, thereby determining all locations in which the selected animal has have been located throughout its lifetime ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments); and

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verifying a country of origin claim for the selected animal by comparing the determined locations to one or more locations stated in the country of origin claim ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

**As per claim 16**, Curkendall discloses, a system for uniquely identifying animals transferred groups, the system comprising:

a unique identifier associated with each transfer of a group of animals ([0205]; via although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID) transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal);

a repository for recording the unique identifier of each of the transfers ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

along with a specification of how many animals are in the group and an identification of one or more transferors and one or more transferees who are parties to the transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically

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maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system); and

linkage from each subsequent transfer of any of the animals to a most-recent prior transfer of those animals, the linkage comprising a specified association between a new unique identifier associated with each such subsequent transfer and the unique identifier of the prior transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 17**, Curkendall teaches, wherein the linkage enables tracing transfers of a subset comprising one or more of the transferred animals by accessing, for each of the transfers of the animals in the subset, the specified association between the unique identifier of the most-recent prior transfer and the new unique identifier of the subsequent transfer for that subset ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 18**, Curkendall discloses, a method for identifying transfers of groups of animals from birth to death, comprising:

associating a unique identifier with a transfer of animals from an original owner thereof ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively and fig. 63 depicts the event data);

associating a different unique identifier with each subsequent transfer of the animals or any subset thereof ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively);

linking, at each subsequent transfer, the different unique identifier with the unique identifier associated with a most-recent previous transfer of the animals in that subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim 19**, Curkendall discloses, wherein additional animals may be included in one or more of the subsequent transfers, and wherein the unique identifier of the most-recent previous transfers of those additional animals is also linked with the

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different unique identifier of the subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

**As per claim Claim 21**, A method of providing country of origin claims, the method comprising:

completing, for each of a plurality of transfers of one or more animals from transferors to transferees, a passport document to represent the transfer, wherein each of the passport documents has associated therewith a unique passport identifier, thereby providing a unique identifier for the transfer (fig. 63 depicts an electronic document with these features), further comprising:

specifying, on the passport document, a count of the animals transferred, descriptive information for the animals transferred, and a location of the transfer (fig. 63 depicts count, and descriptive information in the event detail field);

specifying, on the passport document, the unique passport identifier associated with any previous passport document completed to represent a previous transfer of the animals transferred (fig. 63 depicts the unique event ID); and

signing the passport document, by the transferor and the transferee, thereby certifying the transfer ([0237] discusses data used to represent a discrete transaction against an animal. The data can be time-stamped which is construed as signing);

recording each of the transfers in a repository maintained by a third party who is distinct from the transferors and the transferees (abstract and [0027] discusses recording by a third party which is the alliance or national databases), further comprising:

creating an entry in the repository for each of the transfers, each of the entries comprising the unique passport identifier associated with the passport document representing that transfer, the count of the animals transferred, the descriptive information for the animals transferred, the location of the transfer, and the unique passport identifier associated with any previous passport document completed to represent a previous transfer of the animals transferred (fig. 63 depicts creating an entry in the database for each of the events); and

using the entries in the repository to determine, for a selected one of the animals, whether a country of origin claim can be made stating that the selected one was always physically located, from its birth to its death, in a particular country by comparing, in each of the entries that pertains to transferring the selected animal, the location to the particular country (fig. 63 and [0131] discuss entries of core events including origin).

### ***Response to Arguments***

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4. Applicant's arguments filed October 3, 2008 have been fully considered but they are not persuasive.

**As per claim 1**, Applicant argues, “every transfer to “PEN-1” will specify an identical alphanumeric or decimal code – namely the device-specific “unique” code that is assigned to the transponder.”

However, [0022] discusses individual animal identification. The each transfer to PEN-1 would be unique, to each animal, because each animal is identified individually, therefore the Examiner respectfully disagrees.

Applicant also argues, “a general discussion of desiring to provide individual animal identification is simply not the same as repeating (1) the creating of an animal passport that represents a transfer of animals and (2) the assigning of a unique passport identifier to such created animal passports”. However, [0029] discusses complete source verification and performance databases for all key livestock events. Therefore, the Examiner respectfully disagrees.

**As per claim 2**, The applicant argues that he office action provides no indication of how this verification of an association between a transponder and an event is supposedly disclosing the “signed by a transformer and transferee... in fact, [0140] has no such teaching. ([0237] discusses data used to represent a discrete transaction against an animal. The data can be time-stamped which is construed as signing). Further, Applicant does not explicitly disclose signing as a specific type of signature. Therefore the Examiner respectfully disagrees.



**As per claim 11**, Applicant argues, "The Office Action fails to provide any explanation of how transferring animal data from one database to another... supposedly teaches that animal passports specify animal identifications.

However, [0011] discusses tracking individual animals. Therefore, the Examiner respectfully disagrees.

**As per claim 12**, Applicant argues, "The Office Action therefore fails to make out a prima facie case of anticipation with regard to claim 12.

However, [0029] discusses complete source verification and performance databases for all key livestock events. Therefore, the Examiner respectfully disagrees.

**As per claim 15**, Applicant argues, "there is no discussion in [0027] of a single passport, however fig. 63 depicts data elements depicting these features, therefore, the Examiner respectfully disagrees.

Applicant argues, there is "no discussion in [0012] of constructing a chain of ownership transfers", however, [0011] explicitly discusses "movement and ownership changes", therefore, the Examiner respectfully disagrees.

Applicant argues "[0636] fails to disclose a "country of origin claim" However, [0636] discloses 16 points including origin, therefore the Examiner respectfully disagrees.

**As per claim 16**, Applicant argues that the data collection described in [0205] refers to scanning the transponder or bolus device of an individual animal.

Applicant also argues, "there is no discussion in [0027] of a repository that records a unique identifier of each transfer of a group of animals. However [0032] discusses applying an individual event to a group of animals as well. In addition, fig. 63 also depicts a repository for recording the unique event Id, which is a transfer. Therefore the Examiner respectfully disagrees.

**As per claim 18**, Applicant argues that "the 'identifier' recited in applicant's claim language is an identifier of a transfer, where as the identifiers discussed in [0395] are identifiers of individual animals. However, fig. 63 depicts data elements which include the event which is the transfer. Therefore, the Examiner respectfully disagrees.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/  
Supervisory Patent Examiner, Art  
Unit 3687

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